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Attorneys for Defendants
Karsan, Inc. and Sandra Lewis

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

BRIAN EASON,

Case No. 15-CV-2335

Plaintiff,

v.

**DEFENDANTS KARSAN, INC. AND
SANDRA LEWIS'S NOTICE OF
REMOVAL**

**ELMER'S RESTAURANTS, INC., an Oregon
corporation, ELMER'S FRANCHISE
SYSTEMS, INC., an Oregon corporation,
KARSAN, INC., a Washington Corporation,
and SANDRA LEWIS, an individual,**

28 U.S.C. §§ 1331, 1441, AND 1446

Multnomah County Circuit Court
Case No. 15CV28990

Defendants.

TO: United States District Court for the District of Oregon; Clerk of the Multnomah County Circuit Court; plaintiff and plaintiff's counsel, Mark McDougal, Esq.; defendants Elmer's Restaurants, Inc. and Elmer's Franchise Systems, Inc. and defendants' counsel, Elizabeth Lampson, Esq.

PLEASE TAKE NOTICE that defendants Karsan, Inc. and Sandra Lewis (collectively, "defendants") hereby remove to this Court the state court action described below. Removal of this action is proper based on the following facts:

1. On or about October 27, 2015, an action was commenced in the Circuit Court of the State of Oregon for the County of Multnomah, entitled *Brian Eason v. Elmer's Restaurant, Inc, Elmer's Franchise Systems, Inc., Karsan, Inc., and Sandra Lewis*, Case No. 15cv28990.

PAGE 1 - DEFENDANTS KARSAN, INC. AND SANDRA LEWIS'S NOTICE OF
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Pursuant to 28 U.S.C. § 1446(a), all state court papers in defendants' possession at the time of removal, consisting of the Summons and Complaint served upon defendant Karsan, Inc. attached as **Exhibit 1**, and the Summons and Complaint served upon defendant Sandra Lewis attached as **Exhibit 2**, are made part of this notice.

2. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b), which provides that a notice of removal must be filed within thirty (30) days after a defendant receives, by service or otherwise, the initial pleading. Defendants were served with the Summons and Complaint on November 13, 2015 and November 29, 2015, respectively. Defendants received a copy of the Summons and Complaint fewer than thirty (30) days before its filing of this Notice.

3. No further proceedings have been had in the Circuit Court of the State of Oregon for the County of Multnomah, as of the date of filing of this removal, and defendants have not otherwise appeared in this matter.

4. Defendants Elmer's Restaurants, Inc. and Elmer's Franchise Systems, Inc. have consented to the removal of this action, and will separately file their Notice of Consent with this Court.

FEDERAL QUESTION JURISDICTION

5. In his Complaint, plaintiff claims that defendant violated 42 U.S.C. §1981 and 42 U.S.C. §2000a. (Complaint ¶¶ 14, 17.) Additionally, plaintiff also alleges a violation of RCWA 49.60.030. Oregon state court has no interest in resolving a dispute involving federal claims and a claim brought under a Washington statute, which would involve interpreting Washington law. The court should join the federal and state law claims in accordance with 28 U.S.C. §1441(c). Therefore, pursuant to 28 U.S.C. §§ 1331 and 1441(a) and (c), this matter may be removed to federal court.

REMOVAL TO THIS DISTRICT IS PROPER

6. Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, removal of the above-captioned state court action to this Court is appropriate.

PAGE 2 - DEFENDANTS KARSAN, INC. AND SANDRA LEWIS'S NOTICE OF REMOVAL

7. Pursuant to 28 U.S.C. § 1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

8. Pursuant to 28 U.S.C. § 1446(d), defendants will file a notice of removal with the clerk of the Circuit Court, Multnomah County, Oregon, informing the court that this matter has been removed to federal court. A copy of this Notice of Removal, including all supporting exhibits, will be attached to defendants' Notice to Adverse Party of Removal to Federal Court filed with the Circuit Court of the State of Oregon, County of Multnomah. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is also being served upon plaintiff's attorney of record.

9. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and the claims may be removed to this Court under 28 U.S.C. §§ 1141 and 1446.

THEREFORE, this case should proceed in this Court as properly removed.

DATED: December 14, 2015

LANE POWELL PC

By 

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Lewis

PAGE 3 - DEFENDANTS KARSAN, INC. AND SANDRA LEWIS'S NOTICE OF
REMOVAL